

14-CV-1313

Marcos Santiago

Name

55363-066

Prison Number

USP CanaanPO Box 300Waymart, PA 16872

Address or Place of Confinement

FILED  
SCRANTON

JUL 09 2014

PER [Signature]

DEPUTY CLERK

Note: If represented by an attorney, write attorney's name, address &amp; telephone number

United States District Court  
Middle DISTRICT OF PennsylvaniaMarcos Santiago  
Full Name (First, Middle, Last)

Petitioner,

vs.

MR Ebbert  
Name of Warden

(or other authorized person having custody of petitioner)

Respondent.

CASE NO. 14-1313  
(to be supplied by the Clerk of  
United States District Court)PETITION FOR  
WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 22  
BY A PERSON IN FEDERAL CU

PLEASE COMPLETE THE FOLLOWING (check the appropriate number):

This petition concerns:

1. ☒ a conviction
2. ☐ a sentence
3. ☐ jail or prison conditions
4. ☒ prison discipline
5. ☐ a parole problem
6. ☐ other

CAUTION: If you are attacking a federal conviction sentence or judgment, you must first file a direct appeal or motion 28 U.S.C. § 2255 in the federal court entered judgment.

## PETITION

- (1) Place of detention: USP Canaan PO Box 300,  
Waymart, PA
- (2) Name and location of court which imposed sentence: U.S. District  
Court Eastern District of PA
- (3) Offense(s) and indictment number(s) (if known) for the sentence imposed:  
NA
- (4) The date the sentence was imposed and the terms of the sentence:  
NA
- (5) What was your plea (check one): Not guilty ( ☒ ) Guilty ( ☐ ) Nolo contendere ( ☐ )
- (6) Kind of trial (check one): Jury ( ☒ ) Judge only ( ☐ )
- (7) Did you appeal from the judgment of conviction or the imposition of sentence: Yes ( ☒ ) No ( ☐ )
- (8) If you did appeal, answer the following for *each* appeal:

### FIRST APPEAL:

Name of court: NA

Grounds raised (list each):

- 1) \_\_\_\_\_  
2) \_\_\_\_\_

Result/Date of result: \_\_\_\_\_

### SECOND APPEAL:

Name of court: NA

Grounds raised (list each):

- 1) \_\_\_\_\_  
2) \_\_\_\_\_

Result/Date of result: \_\_\_\_\_

## GROUND FOR THIS 28 U.S.C. § 2241 PETITION

- (9) State *CONCISELY* every ground on which you claim that your sentence is being executed in an illegal manner. Summarize *briefly* the facts supporting each ground

**CAUTION:** If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

→ GROUND ONE wrongful disciplinary conviction  
By DHO

Supporting FACTS for GROUND ONE (tell your story BRIEFLY without citing cases or law).

CAUTION: You must state facts, not conclusions, in support of your grounds. A rule of thumb to follow is – who did exactly what to violate your rights at what time and place.

on grand April, 2013, I was issued  
a false incident report for threatening  
another with bodily harm. Not only  
did Mrs. Valley of the Chapel lie on me,  
but the incident report conviction makes  
no sense.

→ GROUND TWO (see attached  
memorandum)

Supporting FACTS for GROUND TWO (tell your story BRIEFLY without citing cases or law).

### ADMINISTRATIVE APPEALS

- (10) Have you presented the claims raised in Question #9 of this petition to prison officials in a prison administrative appeal?

Yes ☒ No ☐ If your answer is no, explain why not: \_\_\_\_\_

If your answer is yes, answer the following for each administrative appeal:

#### FIRST ADMINISTRATIVE APPEAL

Level of appeal: Region

Grounds raised (list each):

- 1) Same as above  
 2) \_\_\_\_\_

Result/Date of result: denied

#### SECOND ADMINISTRATIVE APPEAL

Level of appeal: Washington

Grounds raised (list each):

- 1) Same as above  
 2) \_\_\_\_\_

Result/Date of result Never Responded Back  
to me.

THIRD ADMINISTRATIVE APPEAL

Level of appeal: \_\_\_\_\_

Grounds raised (list each):

1) \_\_\_\_\_

2) \_\_\_\_\_

Result/Date of result: \_\_\_\_\_

FOURTH ADMINISTRATIVE APPEAL

Level of appeal: \_\_\_\_\_

Grounds raised (list each):

1) \_\_\_\_\_

2) \_\_\_\_\_

Result/Date of result: \_\_\_\_\_

- (11) Is the grievance process completed? Yes ( ☒ ) No ( ☐ )

PREVIOUS PETITIONS

- (12) Have you filed previous petitions for habeas corpus under 28 U.S.C. § 2241 or 28 U.S.C. § 2255, or any other applications, petitions or motions with respect to the claims raised in Question #9 of this petition?

Yes ( ☐ )

No ( ☒ )

- (13) If your answer to Question #12 was yes, give the following information for *each* previous petition:

FIRST PREVIOUS PETITION

Name of court: \_\_\_\_\_

Nature of proceeding: \_\_\_\_\_

Grounds raised (list each):

1) \_\_\_\_\_

2) \_\_\_\_\_

Result/Date of result: \_\_\_\_\_

SECOND PREVIOUS PETITION

Name of court: \_\_\_\_\_

Nature of proceeding: \_\_\_\_\_

Grounds raised (list each):

1) \_\_\_\_\_

2) \_\_\_\_\_

Result/Date of result: \_\_\_\_\_

- (14) If the claims raised in Question #9 of this petition concern your conviction or sentence, explain why you are filing your petition pursuant to § 2241 instead of § 2255.

(15) Are you presently represented by counsel?

Yes ( )

No (✓)

If so, provide your attorney's name, address, and telephone number:

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(16) If you are seeking leave to proceed *in forma pauperis*, have you completed the application setting forth the required information?

Yes ( )

No (✓)

Note: If your answer is no, you must send a \$5.00 filing fee to the court with your petition.

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WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

July 1, 2014  
(Date)

Marco F. Santiago  
(Signature of Petitioner)

\_\_\_\_\_  
(Signature of Attorney, if any)

Marcos F. Santiago  
Reg. No. 55363-066  
USP Canaan  
PO Box 300  
Waymart, PA 18472

July 2, 2014

Office of the Clerk  
Mary D' Andrea  
U.S. District Court  
235 N. Washington Ave.  
PO Box 1148  
Scranton, PA 18501

Dear Mrs. D'Andrea:

Enclosed please find a formal application pursuant to 2241 together with an informal memorandum in support of 2241. At this point I am not sure if the filing fee for said motion is five dollars or ten (as an inmate recently informed me)? Therefore, can you please file the enclosed documents and let me know as soon as possible how much I must send to your office for filing these documents? I will then make out a money order for that amount and forward it to your office without delay. Thank you very much and have nice day!

Sincerely,

Marcos F. Santiago



PS: Can you please send me back a copy of my motion and memorandum with the date on it on which they were filed? Thanks in advance.

Marcos F. Santiago  
Reg. No. 55363-0-66  
USP Canaan  
PO Box 300  
Waymart, PA 18472

LEGAL MAIL

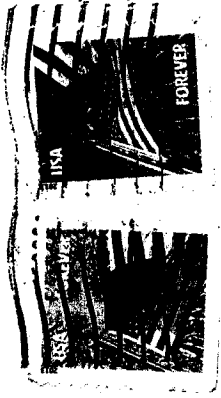
RECEIVED  
SCRANTON

To:

JUL 09 2014

FOR DEPUTY CLERK

Office of the Clerk  
Mary D' Andrea  
U.S. District Court  
Middle District of Pennsylvania  
235 N. Washington Ave.  
PO Box 1148  
Scranton, PA 18501



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